



Eldar Mayouhas
77 Water Street, Suite 2100
New York, New York 10005
Eldar.Mayouhas@lewisbrisbois.com
Direct: 646.783.0933

April 9, 2025

File No.: 55028.18

Via ECF

Hon. Robert W. Lehrburger
Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Ali Moore v. New York City Health + Hospitals, et al.
Case No.: 22-cv-10957 (LGS)(RWL)

Dear Magistrate Judge Lehrburger:

We represent defendants New York City Health + Hospitals (“NYCH+H”), Dr. Nurur Rahman, Dr. Kalu Agwu, Dr. Ryan H. Hashem and Dr. Gautam Balasubramania Pandian and write in response to the Court’s April 9, 2025 order directing that we advise if we will accept service on behalf of the defendants upon whom service attempts failed.

Initially, pursuant to New York General Municipal Law § 50-k(2)(4), NYCH+H may only assign defense counsel to and indemnify an employee or past employee upon the receipt of a request for representation and copy of the complaint served upon them. Therefore, we cannot represent any individual who has not requested representation or accept service on their behalf.

Second, we note that Captain David Lopez, Officer Terrence Pemberton, Officer Georaida Germansen and Officer Francis Senajour who appear to have been served at their last known addresses were employed by the Harlem Hospital Police but are no longer. We have contacted Harlem Hospital’s Risk Management department and asked that they attempt to contact these individuals regarding service in order that we may be assigned as their counsel and answer on their behalf. We ask that the Court grant us a reasonable amount of time in which to do that or, alternatively, set a date by which we can update the Court as to our progress. We do highlight that none of these defendants appear anywhere in the amended complaint other than in the caption; there are no factual allegations against them and any claims against them are therefore likely subject to dismissal.

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Third, regarding the parties upon whom service failed, we first apologize to the Court for reflexively typing “Bellevue” in our response to the *Valentin* Order. The individuals are or were employed at Harlem Hospital. Moreover, it appears that the U.S. Marshall’s Service was advised at Bellevue that the individuals are at Harlem Hospital, but instead of attempting service at Harlem Hospital at 506 Lenox Avenue, New York, New York, 10037 in Harlem, the defendant’s actual place of business where Risk Management should have accepted service, they attempted service on “Joane Habelien,” who works at Harlem Hospital’s office in Downtown Manhattan and has no basis upon which to accept service since it is not the defendants’ actual place of business.

Finally, we note that Seargent Joel Rivera continues to be employed the Hospital Police at Harlem Hospital and may be served there; Chang Young Cho, NP is currently employed at Harlem Hospital, may be served there; Eguagie Ehimwenma, RN is currently employed at Harlem Hospital, may be served there; -Kemp Thane Herzberg, RN is currently employed at Harlem Hospital and may be served there; and Emilia C. Okoroma, RN, is currently employed at Queens Hospital and may be served there.

Additionally, we are now advised that Crystal Channel Allman, RN, was employed via a nursing agency and is no longer employed by NYCH+H; her last known address is 95 West 95th Street, Apt. 19G, New York, New York, 10025.

Again, we highlight that the defendants named in the above paragraph appear nowhere in the amended complaint other than in the caption; there are no factual allegations against them.

We thank the Court and the parties for their understanding and remain available to provide any other necessary information.

Respectfully submitted,

Eldar Mayouhas of
 LEWIS BRISBOIS BISGAARD & SMITH LLP

VIA REGULAR MAIL:

Ali Moore
 PLAINTIFF PRO SE
 2506 E. Overland Avenue
 Baltimore, Maryland 21214